

UNITED STATES DISTRICT COURT

## DISTRICT OF NEVADA

\* \* \*

## ANTHONY BROOKS.

v.

**Plaintiff,**

Case No. 3:19-cv-00623-MMD-WGC

## ORDER

NEVADA DEPARTMENT OF  
CORRECTIONS, *et. al.*

## Defendants.

13 Before the Court is the Report and Recommendation (“R&R”) of United States  
14 Magistrate Judge William G. Cobb recommending that this case be dismissed for Plaintiff  
15 Anthony Brook’s failure to submit a second amended complaint correcting the deficiencies  
16 of his first amended complaint noted in the screening order. (ECF No. 17.) Plaintiff has not  
17 filed an objection to the R&R, although he had until May 25, 2020, to do so. (*Id.*) The Court  
18 will adopt the R&R and dismiss this case.

19        This Court “may accept, reject, or modify, in whole or in part, the findings or  
20 recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party  
21 fails to object to a magistrate’s recommendation, the Court is not required to conduct “any  
22 review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474  
23 U.S. 140, 149 (1985); see also *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir.  
24 2003) (“De novo review of the magistrate judges’ findings and recommendations is  
25 required if, but *only* if, one or both parties file objections to the findings and  
26 recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes  
27 (1983) (providing that the court “need only satisfy itself that there is no clear error on the  
28 face of the record in order to accept the recommendation”).

1 The Court finds it unnecessary to engage in de novo review to determine whether  
2 to adopt Judge Cobb's R&R and is satisfied that there is no clear error upon reviewing the  
3 docket. Plaintiff was advised that failure to submit a second amended complaint by May  
4 2, 2020, would result in dismissal of this case. (ECF No. 16.) That date has long passed,  
5 and Plaintiff has provided no such complaint. The Court therefore agrees with the R&R  
6 that dismissal of this action is warranted. See *Thompson v. Hous. Auth. of City of L. A.*,  
7 782 F.2d 829, 831 (9th Cir. 1986) (recognizing that district courts have the inherent power  
8 to control their dockets and “[i]n the exercise of that power, they may impose sanctions  
9 including, where appropriate . . . dismissal” of a case); *Malone v. U.S. Postal Serv.*, 833  
10 F.2d 128, 130 (9th Cir. 1987) (dismissing case for failure to comply with court order).

11 It is therefore ordered, adjudged, and decreed that the Report and  
12 Recommendation of Magistrate Judge William G. Cobb (ECF No. 17) is accepted and  
13 adopted in full.

14 It is further ordered that this case is dismissed without prejudice.

15 The Clerk of the Court is directed to close this case.

16 DATED THIS 29<sup>th</sup> day of May 2020.



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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE